

Message Text

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ACTION ARA-20

INFO OCT-01 ADP-00 SCI-06 NSF-04 AID-20 AEC-11 AECE-00

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PA-03 RSC-01 PRS-01 SS-15 SSO-00 NSCE-00 USIE-00

INRE-00 RSR-01 /146 W

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 7554

C O N F I D E N T I A L SECTION 1 OF 2 MEXICO 6189

EO 11652: DECLASSIFY IN SIX MONTHS

TAGS: PBOR, MX

SUBJ: SALINITY: FINAL AGREEMENT

REF: MEXICO 6156

1. FOLLOWING IS FINAL TEXT OF AUGUST 21, 1973 AGREEMENT
REACHED BY AMBASSADOR HERBERT BROWNELL, PRESIDENT NIXON'S
SPECIAL REPRESENTATIVE ON SALINITY, AND FOREIGN SECRETARY
EMILIO O. RABASA.

QUOTE: STATEMENT OF POINTS OF AGREEMENT FOR A PERMANENT
AND DEFINITIVE SOLUTION TO THE COLORADO RIVER SALINITY
PROBLEM.

AMBASSADOR HERBERT BROWNELL, THE SPECIAL REPRESENTATIVE
OF PRESIDENT NIXON, AND SECRETARY OF FOREIGN RELATIONS
EMILIO O. RABASA OF MEXICO, AGREE ON THE FOLLOWING
RECOMMENDATIONS TO THEIR RESPECTIVE PRESIDENTS FOR A
PERMANENT AND DEFINITIVE SOLUTION TO THE COLORADO RIVER
SALINITY PROBLEM

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1. REFERRING TO THE ANNUAL VOLUME OF COLORADO RIVER

WATERS GUARANTEED TO MEXICO UNDER THE TREATY OF 1944, OF
1,500,000 ACRE-FEET:

(A) THE UNITED STATES SHALL ADOPT MEASURES TO
ASSURE THAT NOT EARLIER THAN JANUARY 1, 1974, AND NO LATER
THAN JULY 1, 1974, THE APPROXIMATELY 1,360,000 ACRE-FEET
DELIVERED TO MEXICO UPSTREAM OF MORELOS DAM, HAVE AN ANNUAL
AVERAGE SALINITY OF NO MORE THAN 115 PPM PLUS OR MINUS 30 PPM
(U.S. COUNT) OVER THE ANNUAL AVERAGE SALINITY OF COLORADO RIVER
WATERS WHICH ARRIVE AT IMPERIAL DAM, WITH THE UNDERSTANDING THAT
ANY WATERS THAT MAY BE DELIVERED TO MEXICO UNDER THE
TREATY OF 1944 BY MEANS OF THE ALL AMERICAN CANAL SHALL
BE CONSIDERED AS HAVING BEEN DELIVERED UPSTREAM OF MORELOS
DAM FOR THE PURPOSE OF COMPUTING THIS SALINITY.

(B) THE UNITED STATES WILL CONTINUE TO DELIVER
TO MEXICO ON THE LAND BOUNDARY AT SAN LUIS AND IN THE
LIMITROPHE SECTION BELOW MORELOS DAM APPROXIMATELY 140,000
ACRE-FEET PER YEAR WITH A SALINITY SUBSTANTIALLY THE SAME
AS THAT OF THE WATERS CUSTOMARILY DELIVERED THERE.

(C) ANY DECREASE IN DELIVERIES UNDER SUB-
PARAGRAPH (B) WILL BE MADE UP BY AN EQUAL INCREASE IN
DELIVERIES UNDER SUBPARAGRAPH (A).

(D)
ANY OTHER SUBSTANTIAL CHANGES IN THE AFORE-
MENTIONED VOLUMES OF WATER MUST BE AGREED TO BY THE COMMISSION.

(E) IMPLEMENTATION OF THE MEASURES REFERRED TO
IN SUBPARAGRAPH (A) ABOVE IS SUBJECT TO THE REQUIREMENT IN
PARAGRAPH 10 OF THE AUTHORIZATION OF THE NECESSARY WORKS.

2. QUOTE 241 SHALL BE TERMINATED HERewith. FROM
SEPTEMBER 1, 1973, UNTIL THE PROVISIONS OF SUBPARAGRAPH 1 (A)
BECOME EFFECTIVE, THE UNITED STATES SHALL DISCHARGE TO THE
COLORADO RIVER DOWNSTREAM FROM MORELOS DAM VOLUMES OF
DRAINAGE WATER FROM THE WELLTON-MOHAWK DISTRICT AT THE ANNUAL
RATE OF 118,000 ACRE-FEET (145,551,000 CUBIC METERS AND
SUBSTITUTE THEREFOR AN EQUAL VOLUME OF OTHER WATERS TO BE
DISCHARGED TO THE COLORADO RIVER ABOVE MORELOS DAM; AND,
PURSUANT TO THE DECISION OF PRESIDENT ECHEVERRIA EXPRESSED
IN THE JOINT COMMUNIQUE OF JUNE 17, 1972, THE UNITED STATES
SHALL DISCHARGE TO THE COLORADO RIVER DOWN STREAM FROM MORELOS
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DAM THE DRAINAGE WATERS OF THE WELLTON-MOHAWK DISTRICT,
THAT DO NOT FORM A PART OF THE VOLUMES OF DRAINAGE WATERS
REFERRED TO ABOVE, WITH THE UNDERSTANDING THAT THIS REMAINING
VOLUME WILL NOT BE REPLACED BY SUBSTITUTION WATERS.

THE COMMISSION SHALL CONTINUE TO ACCOUNT FOR THE
DRAINAGE WATERS DISCHARGED BELOW MORELOS DAM AS PART OF
THOSE DESCRIBED IN THE PROVISIONS OF ARTICLE 10 OF THE

WATER TREATY OF FEBRUARY 4, 1944.

3. AS A PART OF THE MEASURES REFERRED TO IN SUB-PARAGRAPH 1 (A), THE UNITED STATES SHALL (A) EXTEND IN ITS TERRITORY THE CONCRETE-LINED WELLTON-MOHAWK BYPASS DRAIN FROM MORELOS DAM TO THE SOUTHERN INTERNATIONAL BOUNDARY; AND (B) OPERATE AND MAINTAIN THE PORTIONS OF THE WELLTON-MOHAWK BYPASS DRAIN LOCATED IN THE UNITED STATES.

4. TO COMPLETE THE DRAIN REFERRED TO IN PARAGRAPH 3, MEXICO, THROUGH THE COMMISSION AND AT THE EXPENSE OF THE UNITED STATES, SHALL CONSTRUCT, OPERATE AND MAINTAIN AN EXTENSION OF THE CONCRETE-LINED BYPASS DRAIN WITHIN MEXICO FROM THE SOUTHERN INTERNATIONAL BOUNDARY TO THE SANTA CLARA SLOUGH OF A CAPACITY OF 353 CFS, AND SHALL PERMIT THE UNITED STATES TO DISCHARGE TO THE GULF OF CALIFORNIA IN THIS DRAIN ALL OR A PORTION OF THE WELLTON-MOHAWK DRAINAGE WATERS, THE BRINE FROM SUCH DESALTING OPERATIONS IN THE UNITED STATES AS ARE CARRIED OUT TO IMPLEMENT THIS AGREEMENT, AND ANY OTHER QUANTITIES OF BRINE WHICH MEXICO MAY AGREE TO ACCEPT. IT IS UNDERSTOOD THAT NO RADIOACTIVE MATERIAL OR NUCLEAR WASTES SHALL BE DISCHARGED THROUGH THE DRAIN, AND THAT THE UNITED STATES SHALL ACQUIRE NO RIGHT TO NAVIGATION, SERVITUDE OR EASEMENT BY REASON OF THE EXISTENCE OF THE DRAIN, NOR OTHER LEGAL RIGHTS, EXCEPT AS EXPRESSLY PROVIDED IN THIS PARAGRAPH.

5. PENDING THE CONCLUSION BY THE GOVERNMENTS OF THE UNITED STATES AND MEXICO OF A COMPREHENSIVE AGREEMENT ON GROUNDWATER IN THE BORDER AREAS, EACH COUNTRY SHALL LIMIT PUMPING OF GROUNDWATERS IN ITS TERRITORY WITHIN FIVE MILES OF THE ARIZONA-SONORA BOUNDARY NEAR SAN LUIS TO 160,000 ACRE-FEET PER YEAR.

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C O N F I D E N T I A L SECTION 2 OF 2 MEXICO 6189

6. WITH THE OBJECTIVE OF AVOIDING FUTURE PROBLEMS, THE UNITED STATE AND MEXICO SHALL CONSULT WITH EACH OTHER PRIOR TO UNDERTAKING ANY NEW DEVELOPMENT OF EITHER THE SURFACE OR THE GROUNDWATER RESOURCES, OR SUBSTANTIAL MODIFICATIONS OF PRESENT DEVELOPMENTS, IN ITS OWN TERRITORY IN THE BORDER AREA THAT MIGHT ADVERSELY AFFECT THE OTHER COUNTRY.

7. THE UNITED STATES WILL SUPPORT EFFORTS BY MEXICO TO OBTAIN APPROPRIATE FINANCING ON FAVORABLE TERMS FOR THE IMPROVEMENT AND REHABILITATION OF THE MEXICALI VALLEY. THE UNITED STATES WILL ALSO PROVIDE NON-REIMBURSABLE ASSISTANCE ON A BASIS MUTUALLY ACCEPTABLE TO BOTH COUNTRIES EXCLUSIVELY FOR THOSE ASPECTS OF THE MEXICAN REHABILITATION PROGRAM IN THE MEXICALI VALLEY RELATING TO THE SALINITY PROBLEM, INCLUDING TILE DRAINAGE AND ALSO TECHNICAL ASSISTANCE.

IN ORDER TO COMPLY WITH THE ABOVE-MENTIONED PURPOSES, BOTH COUNTRIES WILL UNDERTAKE NEGOTIATIONS AS SOON AS POSSIBLE.

8. THE UNITED STATES AND MEXICO SHALL RECOGNIZE
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THE FOREGOING UNDERTAKINGS AND UNDERSTANDINGS AS CONSTITUTING THE PERMANENT AND DEFINITIVE RESOLUTION OF THE SALINITY PROBLEM WHICH WAS THE SUBJECT OF THE JOINT COMMUNIQUE OF PRESIDENT RICHARD NIXON PRESIDENT LUIS ECHEVERRIA ON JUNE 17, 1972.

9. THE MEASURES REQUIRED TO IMPLEMENT THIS AGREEMENT SHALL BE UNDERTAKEN AND COMPLETED AT THE EARLIEST PRACTICAL DATE.

10. THESE POINTS SHALL BE INCORPORATED IN A MINUTE OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION AND EXPRESSLY APPROVED BY BOTH GOVERNMENTS BY EXCHANGE OF NOTES. THE AGREEMENT SHALL ENTER INTO FORCE UPON SUCH APPROVAL; PROVIDED, HOWEVER, THAT THE PROVISIONS WHICH ARE DEPENDENT FOR THEIR IMPLEMENTATION ON THE CONSTRUCTION OF WORKS OR OTHER EXPENDITURES OF FUNDS BY THE UNITED

STATES SHALL BECOME EFFECTIVE UPON THE AUTHORIZATION AND
APPROPRIATION BY THE UNITED STATES CONGRESS OF SAID
FUNDS WHICH WILL BE SOUGHT PROMPTLY BY THE UNITED STATES.
UNQUOTE.
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